

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03 CV 12493 RCL

MELISSA SEPPI, )  
PLAINTIFF )  
VS. )  
MEZZANOTTE, LLC et al )  
DEFENDANT )

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**ASSENTED TO MOTION TO AMEND DISCOVERY SCHEDULE**

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NOW COMES the Plaintiff in the above-entitled action and moves this Honorable Court to Amend the discovery schedule relative to the depositions of fact witness and the disclosure of the parties' expert witness reports and request for admissions as per the **Amended Joint Discovery Schedule attached hereto as "A"**.

As grounds hereof the parties state:

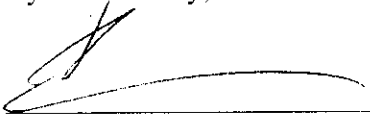
1. The Plaintiff has brought this liquor liability action against Mezzanotte, LLC d/b/a Vision Nightclub and the liquor license holder, Frank C. Amato, for an alleged violation of the Defendants' duty not to serve alcoholic beverages to a minor, a one Meghan Putnam.
2. Vision Nightclub is a bar that serves alcoholic beverages and has dancing. Vision Nightclub allows both drinking age adults and non-drinking age adults entrance to the club at the same times.
3. The Plaintiff alleges that from the time that the Plaintiff and Meghan Putnam entered the club, at approximately 12:30 AM until they left at approximately 2 AM, Meghan Putnam was served and furnished three Long Island Iced Ts, an alcoholic beverage containing in each drink a mix of Vodka, Rum, Gin, Triple Sec and Tequila.
4. The Plaintiff alleges that Meghan Putnam and the Plaintiff left Vision Nightclub at approximately 2 a.m. on November 16, 2002 and Meghan Putnam agreed to drive.

5. The Plaintiff alleges that the car being driven by Meghan Putnam struck a jersey barrier in the left hand passing lane of route 128 south in Wakefield and that the Plaintiff was seriously injured.
6. The Massachusetts State Police, Collision Analysis Reconstruction Section, performed an accident analysis and concluded that the proximate cause of the crash was Meghan Putnam's reckless operation of the vehicle while under the influence of alcohol.
7. Meghan Putnam has been criminally charged in the Malden District Court with operating under the influence of intoxicating liquor causing serious bodily injury. Her criminal matter has been pending for nearly two years and was scheduled for trial on or about August 10, 2004, however, the Middlesex District Attorney's Office has recently moved the case to Cambridge and the matter is now scheduled for trial on **November 16, 2004**.
8. The Defendants noticed her deposition, but in light of the pending criminal matter facing her, both counsel for the Plaintiff and the Defendant believe that Meghan Putnam will claim the Fifth Amendment at her deposition while the criminal matter is pending trial.
9. The Plaintiff has subpoenaed Meghan Putnam to a deposition on November 29, 2004, two weeks after Putnam's criminal trial is expected to be completed.
10. Due to the unexpected delays in Putnam's criminal trial, of which the parties to this action have and had no control over, the deposition of Putnam in this case will not occur in time for her deposition testimony to be utilized by the experts for the parties in this case, within the time set forth in the initial Discovery Schedule.
11. The testimony of Putnam is vital to both parties and potentially vital to the respective experts of the parties hereto.
12. The Amended Discovery Schedule only extends the time for disclosure of expert reports by six weeks, and extends the time for depositions of fact witnesses, Meghan Putnam, by four weeks.
13. The parties have worked closely to provide each other with any and all discovery materials, have made available to each other all witnesses that

they had reasonable control over, and will continue to work together to depose Meghan Putnam as soon as practical after her criminal trial is concluded and provide each other with their respective expert reports disclosures.

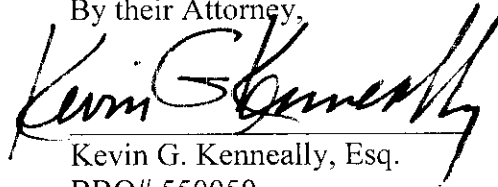
For the above reasons, the parties hereto request that the Court Amend the Discovery Schedule to reflect the Amended Schedule attached hereto as "A"

MELISSA SEPPI,  
By her attorney,



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ASSENTED TO:  
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By their Attorney,



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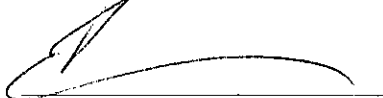
December 15, 2004).

8. Expert witness depositions to be completed by March 30, 2005. (unchanged)

9. All FRCP 56 motions served by April 15, 2005.(unchanged)

MELISSA SEPPI,

By her attorney,



Edward F. Wallace, Esq.

Attorney for the Plaintiff

BBO#: 513540

The Law Offices of Edward F. Wallace

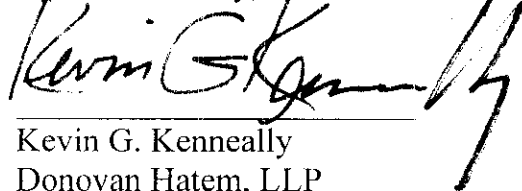
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Dated: October 26, 2004